

CHAPTER 2
ADMINISTRATION

CHAPTER 2

DIVISION 1

ADMINISTRATION

- 2-1-1 SEAL
The corporate seal of the City of St. Elmo shall be circular in form, one and one-half in diameter with the words, "THE CITY OF ST. ELMO ILLINOIS, FAYETTE COUNTY, ILLINOIS" in Block Capitals, around the margin and surrounding the words INCORPORATED JULY 1, 1903" in Roman Capitals.
- 2-1-2 USE OF SEAL
The corporate seal shall be used in all cases provided by law or the ordinance of said City but in no case shall the impression of the corporate seal be binding upon the City unless it be authorized by the law and ordinances thereof, and is attested by the official signature of the City Clerk.
- 2-1-3 CUSTODIAN OF SEAL
The City Clerk shall be the custodian of the Corporate Seal.
- 2-1-4 FISCAL YEAR
The fiscal year of the City shall begin on May 1, at 12:01 a.m. on each and every year.
- 2-1-5 CORPORATION OFFICERS
The corporation officers of the City shall consist of one Mayor, six aldermen, one City Clerk, and City Treasurer duly elected and qualified, as provided for in the revised statutes of the State of Illinois.
- 2-1-6 BOARD OF ALDERMEN
The Board of Aldermen shall consist of the six (6) aldermen consisting of two (2) aldermen from each ward generally elected for a four-year term. Their terms are staggered so that half are elected each two years.
- 2-1-7 REGULAR MEETING
(1) That the regular meeting of the City Council of the City of St. Elmo, Illinois, shall be held on the first Wednesday of each month of the year, and in the event that such meeting date should fall on a legal holiday, the regular meeting of the City Council shall be held on the day next following such legal holiday.

- (2) All regular meetings of the City Council of the City of St. Elmo, Illinois shall convene and be called to order at 6:00 o'clock P.M.

Amended 06/07/2017

2-1-7(a)

REMOTE PARTICIPATION IN MEETINGS

approved 7/6/2009

- (1) **Recitals.** The preliminary paragraphs set forth are incorporated herein as part of this Ordinance.
- (2) **Definition of Meeting.** The term “meeting” as used in any existing (Governmental Unit) resolutions, ordinance or rules shall be defined to mean “Any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communications, of a majority of a quorum of the members of a public body held for the purpose of discussing public business: or such other definition as shall be contained within the state statutes.
- (3) **Amendment of Previous Terms.** The definition of “meeting” set forth in Section 2 shall supersede and replace any other definition used in any previous or existing ordinance, resolution, or policy.
- (4) **Remote Participation Policy.** The city hereby adopts the Remote Participation Policy, attached hereto and made a part hereof as Appendix “A,” that permits a member of the public body to attend and participate in any meeting of a public body as defined in the Open Meetings Act from a remote location via telephone, video or internet connection provided that such attendance and participation is in compliance with the policy and any applicable laws.
- (5) **Severability.** In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

2-1-7(b)

ELECTRONIC ATTENDANCE AT MEETINGS RULES

- (1) **Rules Statement.** It is the decision of the City Council of the City of Saint Elmo that any member of the corporate authorities may attend any open or closed meeting of the corporate authorities via electronic means (such as by telephone, video or internet connection) provided that such attendance is in compliance with these rules and any applicable laws.
- (2) **Prerequisites.** A member of the City Council may attend a meeting electronically if the member meets the following condition: A quorum is physically present throughout the meeting.
- (a) The member should notify the Clerk at least three (3) days before the meeting, unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for electronic attendance.

- (b) The member must assert one of the following three reasons why he or she is unable to physically attend the meeting:
 - (1) The member cannot attend because of personal illness or disability; or
 - (2) The member cannot attend because of employment purposes or the business of the City; or
 - (3) The member cannot attend because of a family or other emergency.
- (c) The Clerk, after receiving the electronic attendance request, shall inform the Corporate Authorities of the request for electronic attendance.
- (d) **Voting Procedures.** After a roll call establishing that a quorum is physically present, the Mayor shall permit a member to attend the meeting electronically after specifying the reason entitling the absent member to attend electronically.
- (e) **Adequate Equipment Required.** The member participating electronically and other members of the City Council must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the City Council shall provide equipment adequate to accomplish this objective at the meeting site.
- (f) **Minutes.** Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.
- (g) **Rights of Remote Member.** A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the Clerk and placed in the minute for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member provided the member attending electronically shall announce his or her leaving and returning. Because of the need to make electronic participation available in light of the expected absence of an Alderman at this meeting, which constitutes a matter of urgency, this ordinance shall be in full force and effect immediately upon its passage, and approval and it shall subsequently be published in pamphlet form, as provided by law.

2-1-8

OATH AND BOND

All officers of the City, whether elected or appointed shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability." Which oath so subscribed shall be filed in the office of the City Clerk, and all such officers, except aldermen and judges of elections, shall before entering upon the duties of their respective offices, execute a bond, with security to be approved by the City Council payable in such penal sum as may be resolution be directed, conditioned upon the faithful performance of the duties of the office and the payment of all money received by such officer according to law and the ordinances of said City, which said bond shall be filed with City Clerk, except the City Clerk's bond, which shall be filed with the City Treasurer. The oath or affirmation may be administered by the Mayor or City Clerk.

2-1-9

BONDS

All official bonds shall be drawn by the City Clerk or Attorney and shall then be submitted to the City Council for their approval, which, when given, the City Clerk shall certify thereon, and shall file and preserve the same in his office. The City Council may at any time require a new bond to be executed by any City officer, if for any cause they shall deem the old bond or the sureties thereon to be insufficient.

2-1-10

SPECIAL MEETINGS

Special meetings may be called by the mayor or by any three members of the council in writing filed with the clerk at least 36 hours prior to the time specified for such meeting. At least 24 hours notice of such special meeting shall be given by the clerk, which notice shall specify the time and purpose of such meeting. Each member of the council shall be notified if he can be found, and if he cannot be found, then by leaving notice with an adult member of the family of the alderman or trustee.

Any special meeting attended by all of the members of the council shall be a regular meeting for the transaction of any business that may come before such meeting. All meetings of the council shall be held in the city hall, including special and adjourned meetings, and all meetings shall be open to the public, as is required by statute.

2-1-11

PRESIDING OFFICERS

The mayor shall preside at all meetings of the council, but he shall have a vote only in the event of a tie or where one-half of the aldermen elected have voted in favor of an ordinance, resolution or motion, even though there is no tie vote.

Each meeting of the council shall convene at the time appointed for such meeting, as provided by ordinance. In the absence of the mayor, a temporary chairman for the meeting shall be elected by a majority vote of the aldermen present from among their members. The clerk, or someone appointed to fill his place by presiding officer, shall thereupon immediately call the roll of members. If no quorum be present, the council shall not thereby stand adjourned, but the members present shall be competent to adjourn or recess the council by a majority vote.

2-1-12

QUORUM--ORDER OF BUSINESS

A quorum for the transaction of business shall consist of a majority of all the aldermen entitled by law to be elected.

The order of business shall be as follows:

- (a) Call to order by presiding officer.
- (b) Roll Call.
- (c) The reading of the journal of the proceedings of the last preceding meeting or meetings, and correction and approval of the same, unless dispensed with by the council, and correction of the journal of the proceedings of previous meetings.
- (d) Reports and communications from the mayor and other city officers.
- (e) Reports of standing committees.
- (f) Reports of special committees.
- (g) Presentation of communications, petitions, resolutions, orders and ordinances by the aldermen.
- (h) Unfinished business.
- (i) Miscellaneous business.

All questions relating to the priority of business shall be decided by the Chair without debate, subject to appeal.

2-1-13

DUTIES OF THE PRESIDING OFFICER

The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all question of order subject to appeal.

In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared.

2-1-14

VISITORS

No person other than a member of the council shall address that body, except with the consent of a majority of the members present.

2-1-15

APPEALS FROM DECISIONS OF THE CHAIR

Any member may appeal to the Council from a ruling of the Chair and, if the appeal is seconded, the member making the appeal may briefly state his

reason for the same, and the Chair may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "No," the decision of the Chair shall be overruled; otherwise, it shall be sustained.

2-1-16 VOTING

Every member who shall be present when a question is stated from the Chair shall vote thereon, unless excused by the Council, or unless he is personally interested in the question, in which case he shall not vote.

2-1-17 SECONDING OF MOTIONS REQUIRED: WRITTEN MOTIONS

No motion shall be put or debated in the Council or in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and every motion in the council, except motions of procedure, shall be reduced to writing, if required by a member, and the proposer of the motion shall be entitled to the floor.

2-1-18 TAKING AND ENTERING THE VOTES: EXPLANATIONS OF VOTES NOT PERMITTED

If any member require it, the "yeas" and "nays" upon any question shall be taken and entered in the journal; but the "yeas" and "nays" shall not be taken unless called for previously to any vote on the question or unless a "yea" and "nay" vote be required by statute.

When the Clerk has commenced to call the roll of the Council for the taking of a vote by "yeas" and "nays," all debate on the question before the Council shall be deemed concluded, and during the taking of the vote no member shall be permitted to explain his vote but shall respond to the calling of his name by the Clerk by answering "yea" or "nay," as the case may be.

2-1-19 PRECEDENCE OF MOTIONS

When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

- (1) to adjourn to a day certain;
- (2) to adjourn;
- (3) to take a recess;
- (4) to lay on the table;
- (5) the previous question;
- (6) to refer;
- (7) to amend;
- (8) to defer or postpone to a time certain;
- (9) to defer or postpone (without reference to time);
- (10) to defer or postpone indefinitely;

Nos. 2, 4, and 5 to be decided without debate.

2-1-20

MOTIONS TO ADJOURN

A motion to adjourn the Council shall always be in order except:

- (1) when a member is in possession of floor;
- (2) while the yeas and nays are being called;
- (3) when the members are voting;
- (4) when adjournment was the last preceding motion; and
- (5) when it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

The council may at any time adjourn over one or more regular meetings, on a vote of a majority of all the aldermen authorized by law to be elected.

2-1-21

PREVIOUS QUESTION

When the previous question is moved on the main question, and seconded, it shall be put in this form: "Shall the main question now be put?" If such motion be carried, all further amendment and all further motions and debate shall be excluded, and the question put without delay, upon the pending amendments in proper order, and then upon the main question.

2-1-22

MOTIONS TO LAY ON THE TABLE AND TO TAKE FROM THE TABLE

A motion simply to lay a question on the table shall not be debatable; but a motion to lay on the table and publish, or with any other condition, shall be subject to amendment and debate.

A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid upon the table, provided two-thirds of the aldermen vote therefor.

A motion to lay any particular motion or proposition on the table shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table and neither the main question nor such other pending question shall be affected thereby.

2-1-23

INDEFINITE POSTPONEMENT: MOTION TO DEFER OR POSTPONE WITHOUT ANY REFERENCE TO TIME

When consideration of a motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting.

A motion to defer or postpone, without any reference to time, shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature, and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a time certain.

2-1-24 MOTION TO REFER

A motion to refer to a standing committee shall take precedence over a similar motion to refer to a special committee.

2-1-25 MOTION TO AMEND

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order; but an amendment relating to a different subject, shall not be in order.

On an amendment to “Strike out and insert,” the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally the paragraph as it will stand if so amended shall be read.

An amendment to the main question or other pending question may be referred to a committee and neither the main question nor such other pending question shall be affected thereby.

2-1-26 RECONSIDERATION

A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration, having been once made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered.

A motion to reconsider must be made and seconded by members who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law.

2-1-27 “YEA” AND “NAY” VOTE

The yeas and nays shall be taken upon the passage of all ordinances and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member of the council; and such vote shall be entered on the Journal of the proceedings, as is provided by statute.

2-1-28 APPROVAL OR VETO

All ordinances passed by the council shall, before they take effect, be deposited with the city clerk, and if the mayor approves thereof, he shall

sign the same, and such as he shall not approve he shall return to the council with his objections thereto in writing, at the next regular meeting occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinances and the same shall take effect accordingly.

Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the council shall agree, by yeas and nays, to pass the same, it shall go into effect notwithstanding the mayor may refuse to approve thereof.

2-1-29

ADOPTION OF ROBERT'S RULES OF ORDER

Except as otherwise prescribed in this Code, meetings of the City Council shall be conducted in accordance with the procedures set forth in the most recent edition *Robert's Rules of Order*, and as said publication may be amended hereafter. The City Clerk shall maintain a copy of said publication for reference at all meetings of the City Council and its committees.

DIVISION 2

MAYOR

2-2-1 POWERS AND DUTIES OF THE MAYOR

The Mayor shall exercise the powers and shall perform all such other duties, pertaining to his office, as are or may be required of him by the statutes of the State of Illinois, or the ordinance of said City;

2-2-2 COMMITTEE APPOINTMENT

The Mayor shall appoint annually the standing committees of the Board of Aldermen, and he shall have authority to fill any vacancies occurring in any of said committees. The person first named by him on any committee shall be chairman thereof. The Mayor shall be ex-officio; an active member of all committees of the Board of Aldermen.

2-2-3 COMMISSIONS, LICENSES, AND PERMITS

The Mayor shall sign all commission, licenses and permits, granted by the authority of the Board of Aldermen, except as otherwise provided, and such other acts and deeds as by law or ordinance may require his official signature.

2-2-4 CONTRACTS

The Mayor shall sign in behalf of the City all contracts between the City and other parties and it shall be his special duty to take care that all the contracting parties faithfully perform and comply with the obligations of such contracts.

2-2-5 SUPERVISION OF CITY OFFICERS

The Mayor shall supervise the conduct of all officers of the City, inquire into all reasonable complaints made against them or any of them, and cause all their neglects or violations of official duty, to be corrected promptly or reported to the proper tribunal for punishment. He shall have general supervision over all City Officers, and may, as often as he deems necessary, examine into the condition of their respective offices, the books, papers and records thereof, the manner of conducting their business, and may call upon any officer of the City for information in relation to any matter pertaining to the function of his office.

2-2-6 APPOINTMENTS

The Mayor shall have the power to appoint all officers of the City whose election is not provided for by statute or Ordinance with the approval of the Board of Aldermen and to remove the same for cause, in the manner prescribed by Statute.

2-2-7

APPOINTED OFFICERS

The Mayor shall appoint, with the approval of the Board of Aldermen, a City Attorney, Chief of Police, a Superintendent of Streets and Alleys, a Superintendent of Water, and a Superintendent of Sewer; or any other officers which the Board of Aldermen considers necessary or expedient. Vacancies in all such city offices may be filled in the same manner. The City Council, by ordinance not inconsistent with this Code, shall prescribe the duties, define the powers, and fix the term of all such offices; but the term of office, except as may otherwise be expressly provided in this code, shall not exceed that of the mayor.

Any such officer of any city department may resign from his office. If such officer resigns, he shall continue in office until his successor has been chosen and has qualified. If there is a failure to appoint a city officer, or the person appointed fails to qualify, the person filling the office shall continue in office until his successor has been chosen and has qualified. If such officer ceases to perform the duties of or to hold his office by reason of death, permanent physical or mental disability, conviction of a disqualifying crime, or dismissal from or abandonment of office, the mayor may appoint a temporary successor to the officer.

2-2-8

CREATION OF NEW OFFICERS

The City Council, in its discretion, may provide by ordinance passed by a two-thirds vote of all the aldermen elected for the appointment by the mayor, with the approval of the City Council, officers which the City Council considers necessary or expedient. By ordinance or resolution, to take effect at the end of the current fiscal year, the City Council, by a like vote, may discontinue any office so created, and devolve the duties of that office on any other city officer. After such discontinuance, no officer filling any office so discontinued shall have any claim against the City for salary alleged to accrue after the date of discontinuance.

2-2-9

CERTIFICATE OF APPOINTMENT

The Mayor shall issue a certificate of appointment of election under the Seal of the Corporation, to the Clerk thereof, and any person having been an officer of the City, shall, within five days after notification and request, deliver to his successor in office, all property, books and effects of every description in his possession, belonging to the City or appertaining to his said office, and upon his refusal to do so shall be liable for the damages caused thereby and be subject to a penalty of five dollars per day that he shall refuse to deliver up or retain possession of said property, books or effects after notification and request as aforesaid.

2-2-10

OATH OF OFFICE

Before entering upon the duties of their respective offices, all municipal officers whether elected or appointed, shall take and subscribe (sign) the following oath or affirmation:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office _____ according to the best of my ability.

Signature”

This oath or affirmation, so subscribed, shall be filed in the office of the municipal clerk. The oath may be taken before any notary. The duty to take the statutory oath is one which falls upon all municipal officers including all members of the police department and members of commissions and boards.

2-2-11

MAYOR'S BOND

Before he enters upon the duties of his office, he shall execute a bond in the penal sum of three thousand (\$3,000.00) dollars; with such sureties as the city council shall approve; conditioned for the faithful performance of his duties; and the payment of all moneys received by him; according to Law and the ordinances of said City.

2-2-12

TERM OF OFFICE

The Mayor’s term of office shall be for four years.

2-2-13

MAYOR PRO TEM AND TEMPORARY CHAIRMAN

If a temporary absence or disability of the Mayor incapacitates him from the performance of his duties but does not create a vacancy in the office, the city council shall elect one of its members to act as mayor pro tem. The mayor pro tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the mayor.

In the absence of the Mayor, acting Mayor, or Mayor pro tem, the city council may elect an alderman to act as a temporary chairman. He shall have only the powers of a presiding officer and a right to vote in his capacity as aldermen on any ordinance, resolution, or motion.

2-2-14

TEMPORARY MAYOR

If a majority of the city council members present at a regular meeting, or at a meeting specially called by any members of the council pursuant to statute, agree at such meeting that an emergency exists within the municipality during (1) a vacancy in the office of Mayor, or (2) the

temporary absence of the Mayor from the municipality, then the city council may appoint a member of the city council to exercise the duties of the Mayor until (a) a vacancy in the office of Mayor ceases to exist, (b) the return of the Mayor, or (c) such time as the city council revokes the appointment of the member of the city council to exercise the duties of the Mayor. During such temporary appointment, the appointed member of the city council shall be designated "Temporary Mayor". The Temporary Mayor cannot receive additional compensation because of such appointment.

2-2-15

MAYOR'S RIGHT TO VOTE

The Mayor shall preside at all meetings of the city council. He shall not vote on any ordinance, resolution or motion except: (1) where the vote of the aldermen has resulted in a tie; or (2) where one half of the aldermen elected have voted in favor of an ordinance, resolution or motion even though there is no tie vote; or (3) where a vote greater than a majority of the corporate authorities is required by this Code to adopt an ordinance, resolution or motion. In each instance specified, the Mayor shall vote. Nothing in this section shall deprive an acting Mayor or Mayor pro tem from voting in his capacity as aldermen, but he shall not be entitled to another vote in his capacity as acting Mayor or Mayor pro tem.

2-2-16

APPROVAL AND VETO OF ORDINANCES, RESOLUTIONS AND MOTIONS

All resolutions and motions (1) which create any liability against a city; or (2) which provide for the expenditure of appropriation of its money...and all ordinances passed by the city council or board shall be deposited with the city or village clerk. If the Mayor approves of them, he shall sign them. Those of which he disapproves, he shall return to the council or board with his written objection at the next regular meeting of the council or board occurring not less than 5 days after their passage. The Mayor or president may disapprove of any one or more sums appropriated in any ordinance, resolution or motion making an appropriation, and, if so, the remainder shall be effective. However, the Mayor or president may disapprove entirely of an ordinance or any specified resolution or motion with his written objections within the designated time, it shall become effective despite the absence of his signature.

2-2-17

PASSING OVER A VETO

Every resolution and motion, specified in Section 2-2-16 and every ordinance, which is returned to the city council by the Mayor, shall be reconsidered by the city council. If, after such reconsideration, two-thirds of all the aldermen then holding office on the city council shall agree to pass an ordinance, resolution, or motion, notwithstanding the mayor's refusal to approve it, then it shall be effective. The vote on the

question of passage over the mayor's veto shall be by yeas and nays, and shall be recorded in the journal.

2-2-18

VACANCIES - OFFICE OF MAYOR

If a vacancy occurs in the office of the Mayor and there remains an un-expired portion of his term of at least one year, the vacancy shall be filled by a special election, which shall be held within six months after the vacancy occurs. The election to fill the vacancy must be called at a date sufficiently in the future to allow time for nominating papers to be filed. In the meantime, or if the un-expired term is less than one year, the council shall elect one of its members acting Mayor. If the un-expired term is less than a year, no special election can be called. The acting Mayor shall perform all of the duties and possess all of the rights and powers of the Mayor, until a successor to fill the vacancy has been elected and has qualified. In such instance the alderman designated as acting mayor votes in his capacity as alderman. He is not entitled to another vote as acting Mayor. The acting Mayor remains as an alderman, and no aldermanic vacancy is created by his assumption of the position of acting Mayor. If a Mayor submits his resignation, effective at a later date, the council may then elect an acting mayor who will not be elevated to that position until the resignation takes effect. This procedure will assure that there is no time at which the municipality is without a chief executive officer.

DIVISION 3

CITY CLERK

2-3-1 GENERAL POWERS AND DUTIES

The city clerk shall keep the corporate seal, to be provided by the corporate authorities, and all papers belonging to the municipality the custody and control of which are not given to other officers. He/she shall attend all meetings of the corporate authorities, and keep a full record of its proceedings in the journal.

Copies of all papers duly filed in his/her office, and transcripts from the journals and other records and files of his/her office, certified by him/her under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

2-3-2 USE OF SEAL

The city clerk shall prepare all commissions, licenses, permits, and other official documents required to be issued by him/her, under the laws and ordinances of the city and shall attest the same with the corporate seal; and shall, in like manner attest all deeds for the sale of real estate owned and conveyed by said city. He/she shall also affix the corporate seal to all official acts of the mayor requiring it, and if necessary, attest the same; and he/she shall certify, under the corporate seal, copies of any records, ordinance, documents, or papers of his/her office, when required, by any city officer or any other person.

2-3-3 NOTICE OF SPECIAL MEETINGS

The city clerk shall issue and cause to be served upon the president and trustees notices of all special meeting of the Board of Aldermen when so directed by the Mayor or any three Aldermen, also notices to the members of the different committees of that body, when so directed by the chairman thereof.

2-3-4 BILLS AND COMMUNICATIONS

The city clerk shall without delay, upon the adjournment of each meeting of the Board of Aldermen deliver to the several committees of that body and to the officers of the city, all petitions, communications, reports, resolutions, orders, claims and other papers, referred to those committees or officers by the Board of Aldermen.

He/she shall, without delay, deliver to the Mayor all ordinances, resolutions, or papers, in his/her charge, which may require to be approved or otherwise acted upon by the Mayor, and he/she shall cause all ordinances requiring publication to be published, within the time and manner provided by this code.

He/she shall also without delay, deliver to the Board of Aldermen all communications or documents, addressed to the same and shall provide at the expense of the city, all the necessary books, stationery, and printed matter for the use of the Board of Aldermen.

2-3-5

PUBLICATION OF ORDINANCES

The city clerk shall cause all ordinances of the city imposing any fine, penalty, imprisonment, or forfeiture, or making any appropriation, (1) be printed or published in book or pamphlet form, published by authority of the corporate authorities, or (2) be published at least once, within 10 days after passage, in one or more newspapers published in the municipality, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality.

No such ordinances shall take effect until 10 days after it is so published, except that an ordinance imposing a municipal retailers occupation tax or effecting a change in the rate thereof shall take effect on the first day of the month next following the expiration of the 10 day publication period. However, ordinances establishing rules and regulations for the construction of building or any part thereof, or for the development or operation of camps accommodating persons in house trailers, house cars, cabins or tents, where such rules and regulations have been printed previously in book or pamphlet form, may be their terms provide for the adoption of such rules and regulations or portions thereof by reference thereto without further printing, or publication, if not less than 3 copies of such rules and regulations in book or pamphlet form have been filed in the office of the clerk of the municipality for use and examination by the public at least 30 days prior to the adoption thereof.

All other ordinances, resolutions and motions, shall take effect upon their passage unless they otherwise provide.

Anything in this section to the contrary, notwithstanding any ordinance which contains a statement of its urgency in the preamble or body thereof, may take effect immediately upon its passage provided that the corporate authorities, by a vote of 2/3 of all the members then holding office, so direct. The decision of the corporate authorities as to the urgency of any ordinance shall not be subject to judicial review except for an abuse of discretion.

2-3-6 RECORDING ORDINANCES

The clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the city. Immediately following each ordinance the city clerk shall make a memorandum of the date of the passage and of the publication or posting, where required, of the ordinance. This record and memorandum, or a certified copy thereof shall be prima facie evidence of the contents, passage, and of the publication or posting of ordinance.

2-3-7 TERM OF OFFICE

The city clerk shall be elected when the Mayor is elected, except in case of a special election. The city clerk shall hold his/her office for a period of four years, or until his/her successor is elected and qualified.

2-3-8 BOND

Before entering upon the duties of City Clerk, the person so elected shall execute a bond to the said City of St. Elmo in the penal sum of \$500; with such sureties as the city council may approve; conditioned for the faithful performance of his/her duties as city clerk; and the payment of moneys received by him/her to the city treasurer; according to the ordinances of said city. Such bond shall be filed with the city treasurer.

2-3-9 OATH OF OFFICE

Before entering upon the duties of their respective offices, all municipal officers, whether elected or appointed, shall take and subscribe (sign) the following oath or affirmation:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office _____ according to the best of my ability.

Signature”

This oath or affirmation, so subscribed, shall be filed in the office of the municipal clerk. The oath may be taken before any notary. The duty to take the statutory oath is one which falls upon all municipal officers including all members of the police department and member of commissions and boards.

2-3-10 VACANCIES - OFFICES OF CITY CLERK

If a vacancy occurs in the office of city clerk, it shall be filled by the Mayor with the advice and consent of the Board of Aldermen. The person so appointed shall hold office for the remainder of the unexpired term of the office.

2-3-11

APPOINTMENT AND DUTIES OF A DEPUTY CITY CLERK

With the advice and consent of the Board of Aldermen, the City Clerk may appoint one deputy city clerk.

The deputy city clerk shall have the power and duty to execute all documents required by any law to be executed by the city clerk, and affix the seal of the clerk thereto whenever required. In signing any document, a deputy clerk shall sign the name of the clerk followed with the word "By" and the deputy clerk's own name and the words "Deputy Clerk". When duly authorized as herein provided the signature affixed by any such deputy in the manner herein prescribed on any document, including, but not limited to, contracts, bonds, or other obligations of the municipality, such document shall have the same effect as if the documents so executed had been signed by the city clerk in person.

2-3-12

MISCELLANEOUS DUTIES OF THE CITY CLERK

Upon receipt of the annual account of all moneys received and expenditures incurred during the preceding fiscal year from the city treasurer, the city clerk shall publish the account at least once, in one or more newspapers published therein, then in one or more newspapers having a general circulation within the municipality.

The city clerk shall also file an affidavit stating that such copy is a true and correct copy of such annual account filed with him, that it was published as required by law, the date of such filing and publication, and in which newspaper it was published.

The city clerk shall annually, before the first day of May, furnish the Department of Public Health the name of the Mayor, the clerk, the health officer and the members of the board of health and this list shall indicate which person is charged with the enforcement of quarantine regulations.

The city clerk shall also promptly inform the Department of Public Health of vacancies in the offices named above and appointments or elections to fill such vacancies.

DIVISION 4

CITY TREASURER

2-4-1 DUTIES

The city treasurer shall receive all money belonging to the municipality, and shall keep his/her books and accounts in the manner prescribed by ordinance. These books and accounts shall always be subject to the inspection of any member of the corporate authorities.

He/she shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto.

He/she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment, and upon that account paid. He/she shall file copies of these receipts with the city clerk, with his/her monthly reports. If he/she has in his/her possession money properly appropriated to the payment of any warrant lawfully drawn upon him he/she shall pay the money specified in this warrant to the person designated by the warrant.

2-4-2 TERM OF OFFICE

The city treasurer shall be elected when the Mayor is elected except in case of special election. The city treasurer shall hold his/her office for a period of four years, or until his/her successor is elected and qualified.

2-4-3 OATH OF OFFICE

Before entering upon the duties of their respective offices, all municipal officers, whether elected or appointed, shall take and subscribe (sign) the following oath or affirmation:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office _____ according to the best of my ability.

Signature”

2-4-4 BOND

Before entering upon the duties of city treasurer, he/she shall execute a bond with security, to be approved by the corporate authorities. The bond shall be payable to the municipality in whatever penal sum may be directed by the Board of Alderman, conditioned upon the faithful performance of the duties of the office and the payment of all money received by such officer, according to law and also the ordinance of the city. In no case,

however, shall the treasurer's bond be an amount of money that is less than three times the latest Federal census population or any subsequent census figure used for Motor Fuel Tax purposes. The bonds shall be filed with the city clerk.

2-4-5 VACANCIES - OFFICE OF CITY TREASURER

If a vacancy occurs in the office of city treasurer, it shall be filled by the Mayor with the advice and consent of the Board of Aldermen. The person so appointed shall hold office for the remainder of the un-expired term of the office.

2-4-6 MONTHLY STATEMENTS

At the end of every month, and more often if required by the corporate authorities, the city treasurer shall render an account, under oath, to the corporate authorities, or to such officer as may be designated by ordinance, showing the state of the treasury at the date of the account, and the balance of money in the treasury. He/she shall accompany the account with a statement of all money received into the treasury, and on what account together with all warrants redeemed and paid by him/her. On the day he/she renders an account, these warrants, with all vouchers held by him/her, shall be delivered to the city clerk and filed, together with the account, in the clerk's office. He/she shall return all warrants paid by him/her marked "paid". He/she shall keep a register of all warrants, which shall describe each warrant, showing its date, amount, and number, the fund from which paid, the name of the person to whom paid, and when paid.

2-4-7 DEPOSIT OF FUNDS

The city treasurer may be required to keep all funds and money in his/her custody belonging to the municipality in such places of deposit as may be designated by ordinance, and when requested by the city treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and money of the municipality, in the custody of the treasurer. When a bank has been designated as a depository, it shall continue as such until 10 days have elapsed after a new depository is designated and has qualified by furnishing the statements of resources and liabilities as required by this section. When a new depository is designated, the corporate authorities shall notify the sureties of the city treasurer of that fact, in writing at least 5 days before the transfer of funds. The treasurer shall be discharged from responsibility for all funds or money which he/she deposits in a designated bank while the funds and money are so deposited. If municipal funds or money are deposited in a designated bank, however, the amount of such deposits shall not exceed 75% of the bank's capital stock and surplus, and the treasurer shall be responsible for funds or money deposited in the bank in excess of this limitation.

No bank shall be qualified to receive municipal funds or money until it has furnished the corporate authorities with copies of the last 2 sworn statements or resources and liabilities which the bank is required to furnish to the Commissioner of Banks and Trust Companies or to the comptroller of currency. Each bank designated as a depository for such funds or money shall, while acting as such depository, furnish the corporate authorities with a copy of all statements of resources and liabilities which it is required to furnish to the Commissioner of Banks and Trust Companies or the comptroller of currency.

2-4-8

PERSONAL USE OF FUNDS

The city treasurer shall keep all money belonging to the municipality in his/her custody separate and distinct from his/her own money, and he/she shall not use, either directly or indirectly, the municipality's money for warrants in his/her custody for his/her own use and benefit, or that of any other person. Any violation of this provision shall subject him/her to immediate removal from office by the corporate authorities, who may declare the treasurer's office vacant. In that case, his/her successor shall be appointed, and he/she shall hold his/her office for the remainder of the unexpired term of the treasurer so removed.

2-4-9

ANNUAL REPORT

Prior to the first day of September of each year, the treasurer shall annually prepare and file with the city clerk an account of all moneys received and expenditures incurred during the preceding fiscal year. The treasurer shall show in such account:

- (a) All moneys received by the municipality indicating the total amounts, in the aggregate, received in each account of the municipality, with a general statement concerning the source of such receipts; provided, for the purpose of this subparagraph the term "account" shall not be construed to mean each individual taxpayer, householder, licensee, utility user, or such other person whose payments to the municipality are credited to a general account; and
- (b) All moneys paid out by the municipality, giving the name of each person to whom paid, on what account paid, and the total amount, in the aggregate, paid to each person from each account; and
- (c) A statement showing the state of the municipal treasury at the close of the fiscal year.

The preceding fiscal year for which such account must be prepared is the fiscal year of the municipality which ends during the 12-month period immediately preceding the twenty-third day of July of the year in which the report is filed.

Upon receipt of such account from the city treasurer, the city clerk shall publish the account at least once, in one or more newspapers having a general circulation within the municipality.

2-4-10 ANNUAL REPORT-FILING

Prior to the first day of September of each year, the treasurer shall file with each town or county collector of taxes who collects taxes levied by such municipality, a copy of the annual account which is required to be filed with and published by the city clerk, together with an affidavit of the clerk of such municipality stating that such copy is a true and correct copy of such annual account filed with him/her, that it was published or posted as required, the date of such filing and publication or posting, and, if published, the newspaper in which it was published.

2-4-11 SPECIAL ASSESSMENT FUNDS

All money received on any special assessment shall be held by the city treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and the money shall be used for no other purpose, except to reimburse the municipality for money expended for such improvement.

2-4-12 APPOINTMENT OF DEPUTY CITY TREASURER

The City Treasurer is hereby authorized and empowered to appoint a Deputy City Treasurer who, under the directions of said City Treasurer, shall be empowered to act for and on behalf of said City Treasurer as fully as the Treasurer herself could do.

- (a) Anyone appointed Deputy City Treasurer shall file an oath and give a bond in the same amount as that given the City Treasurer and with the same conditions thereto attached which bond shall be approved by the City Council.
- (b) The City Treasurer shall file with the City Clerk a formal written designation as Deputy City Treasurer and such person so designated shall continue to be empowered to act as Deputy City Treasurer until the City Treasurer shall file a subsequent formal, written instrument signed by said City Treasurer, withdrawing authority from said Deputy.
- (c) The Deputy so appointed shall be empowered to act for and on behalf of said City Treasurer in and about all the functions ordinarily performed by said City Treasurer, including those functions as Treasurer of Waterworks, Treasurer of the Sewerage Fund, Collector, Treasurer of the Wheel Tax Fund, and in any other function heretofore or hereafter delegated to the City Treasurer.

- (d) The City Treasurer shall be held responsible for the fidelity of any person so appointed by her and shall be liable for any act or omission of said Deputy.
- (e) The City Treasurer may change deputies at any time as she thinks best and shall be empowered to remove and reappoint deputies according to her sole discretion; provided, however, that no deputy shall be empowered to act until such deputy has filed an oath and filed and had approved a bond as required above, and until the Treasurer shall have filed the formal, written appointment of such Deputy.
- (f) The Deputy Treasurer so appointed by the City Treasurer shall receive no compensation from the City of St. Elmo but shall be paid solely by the City Treasurer from the salary received by the latter.

DIVISION 5

CITY COLLECTOR

2-5-1 OFFICE OF COLLECTOR

There is hereby established an appointive office of "Collector", the duties of which shall be to collect the fees and charges for the handling and disposing of garbage and charges of the combined water works and sewerage system but such duties shall not include collection in connection with any special assessments.

2-5-2 TERM OF OFFICE

The term of office for the Collector shall commence with the first day of each fiscal year of the City and end on the last day thereof.

2-5-3 APPOINTMENT OF CITY COLLECTOR

The Collector shall be appointed by the Mayor by and with the advice and consent of the City Council.

2-5-4 COMPENSATION

Compensation of the Collector shall be determined by Ordinance duly adopted by the City and may be changed from time to time but no change shall be effective during a term.

2-5-5 DUTIES

The office of City Treasurer shall not include the duties herein delegated to the appointive office of Collector.

2-5-6 SPECIAL COLLECTIONS

Any collections under any special assessment shall hereafter be made by the City Treasurer who shall act as collector of special assessments and the compensation for acting as collector of special assessments shall be determined at the time special assessments are made and shall be in addition to the other compensation above provided for the City Treasurer.

2-5-7 WORKING HOURS

The hours that the office of City Treasurer and Collector shall be open shall be as established by the City Council from time to time by Ordinance or Resolution duly adopted.

DIVISION 6

CITY ATTORNEY

2-6-1 APPOINTMENT OF CITY ATTORNEY

The City Attorney shall be appointed by the mayor by and with the advice and consent of the City Council.

2-6-2 VACANCY - CITY ATTORNEY

A vacancy in the office of City attorney shall be filled in the same way as the appointment of City Attorney.

2-6-3 TERM OF OFFICE

Unless otherwise expressly provided for in this code, the term of office of the City Attorney shall not exceed that of the mayor.

2-6-4 CITY ATTORNEY'S BOND

The City Attorney shall before entering upon the duties of his office, execute a bond to the City, in the penal sum of \$200 with surety as the Board of Alderman shall approve conditioned upon the faithful performance of the duties of his office; and the payment of all monies received by him according to the ordinances and resolutions of the City of St. Elmo.

2-6-5 OATH OF OFFICE

Before entering upon the duties of their respective offices, all municipal officers whether elected or appointed, shall take and subscribe (sign) the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office _____ according to the best of my ability.

Signature"

2-6-6 DUTIES

The City Attorney shall prosecute and defend any and all cases in which the City or the official act of any officer thereof are involved.

He shall draw all ordinances and all contracts and other legal documents wherein the City may be interested.

In all matters of law in which the interest of the City is involved, the City Attorney shall, upon request by the Mayor, Board of Aldermen or any

other officer of the City, furnish written opinions upon subjects submitted to him.

2-6-7

ANNUAL REPORT

Shall annually on or before the first Monday of April of each year make a detailed annual report to the Board of Aldermen of his official acts and doings.

2-6-8

FEES

The City Attorney shall receive such fees as are or may be reasonable charges for the services performed by him.

BOARD OF ALDERMEN

2-7-1

DIVISION INTO WARDS

Except as otherwise provided the city shall have one-half as many wards as the total number of aldermen to which the city is entitled. The city council, from time to time shall divide the city into that number of wards. In the formation of wards the number of inhabitants of the city eligible to vote at the general election for city officers immediately preceding the division of the city into wards shall be as nearly equal in population, and the wards shall be of as compact and contiguous territory, as practical.

There shall be three wards in the City of St. Elmo, designated Ward 1, Ward 2 and Ward 3, respectively, and the boundaries of said three wards shall be as follows:

WARD 1

All of the City South of Route 40, plus an area North of Route 40, described as beginning at the Intersection of Olive Street and Route 40, running thence North along Olive Street to Fifth Street, thence East along Fifth Street to the Corporation Line, thence South approximately one-half block, thence East with the Corporation Line approximately one block, thence North with the Corporation Line approximately one-half block, thence East along the Corporation Line and Fifth Street to Girard Street, thence North with the Corporation Line one block to the next street, thence East to the Corporation Line, thence South with the Corporation Line to Route 40, thence Southwesterly along Route 40 to the place of beginning.

WARD 2

All of the City South of Fifth Street, West of Olive Street and North of Route 40, being an area bounded on the South by Route 40, on the East by Olive Street, on the North by Fifth Street and the Pennsylvania Railway, and on the West by the Corporation Line.

WARD 3

All of the City North of Fifth Street except such part thereof as lies East of Girard Street.

2-7-2

REDISTRICTING

Whenever an official publication of any national, state school, or city census shows that the city contains more or less wards than it is entitled to, the city council, by ordinance, shall redistrict the city into as many wards only as the city is entitled. This redistricting shall be completed not less than 74 days before the time fixed for the next succeeding general election for city officers. At this election there shall be elected the number of Aldermen to which the city is entitled.

2-7-3 WARD DIVISION AND ELECTION OF ALDERMEN
VALIDATION

Ward division and election of aldermen validated. If, after a specified census is officially published, any city is divided into a greater number of wards and has elected a greater number of aldermen than the city is entitled, nevertheless such division and election shall be valid and all acts, resolutions, and ordinances of the city council of such city, if in other respects in compliance with law, are valid.

2-7-4 REDISTRICTING ORDINANCE

A redistricting ordinance which has decreased the number of wards of the city because of a decrease in population of the city shall not be effective if, not less than 60 days prior to the time fixed for the next succeeding general election for city officers, a specified census is officially published which shows that the city has regained a population that entitles it to the number of wards which it had just prior to the passage of the last redistricting ordinance.

2-7-5 QUALIFICATIONS

No person shall be eligible to the office of Aldermen:

- (1) If, in addition to the requirements of state statutes he does not reside within the ward for which he is elected; or
- (2) If he is in arrears in the payment of any tax or other indebtedness due to the city; or
- (3) If he has been convicted in Illinois state courts of malfeasance in office, bribery, or other crimes.

No alderman shall be eligible to any office, except that of acting mayor or mayor pro-tem, the salary of which is payable out of the city treasury, if at the time of his appointment he is a member of the city council.

2-7-6 ELECTIVE OFFICERS - OTHER OFFICE

No mayor, alderman, city clerk or city treasurer/collector, shall hold any other office under the city government during his term of office except as otherwise provided in this code.

2-7-7

STAGGERED TERMS - TERMS OF OFFICE

Aldermen elected at the first election for city officers after the election of aldermen for the initial terms provided for in State Statutes shall draw lots to determine which of the Aldermen in each ward shall hold for a 4 year term, and until his successor is elected and has qualified, and which in each ward shall hold for a 2 year term, and until his successor is elected and has qualified. All Aldermen thereafter elected shall hold office for a term of 4 years, and until their successors are elected and have qualified.

2-7-8

OATH OF OFFICE

Before entering upon the duties of their respective offices, all municipal officers, whether elected or appointed, shall take and subscribe (sign) the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office _____ according to the best of my ability.

Signature"

2-7-9

RESIGNATION - VACANCY - ELECTIONS

An Alderman may resign from his office. A vacancy occurs in the office of alderman by reason of resignation, failure to elect or qualify, death, permanent physical or mental disability, conviction of a disqualifying crime, abandonment of office, or removal from office or of residence from the ward. If a vacancy occurs in the office of alderman in any such manner or otherwise, the vacancy shall be filled at the next succeeding general election for aldermen at which time the vacancy shall be filled for the un-expired balance of the term. The provisions of Section 2-13-3 and 2-13-4 relating to special elections to fill vacancies shall not apply to the filling of the vacancy in the office of alderman. The mayor with the advice and consent of the city council may appoint a person to serve as alderman in the vacancy until their next general election, as provided in this section and until the person elected qualifies.

2-7-10

RULES - EXPULSION

The city council shall determine its own rules of proceeding and punish its members for disorderly conduct. With the concurrence of two-thirds of the aldermen elected, it may expel an alderman, but not a second time for the same offense.

2-7-11 QUORUM - COMPELLING ATTENDANCE

A majority of the city council shall constitute a quorum to do business. A smaller number, however, may adjourn from time to time, and may compel the attendance of absentees, under whatever, penalties, including a fine for a failure to attend, the council may prescribe by ordinance.

2-7-12 VOTE REQUIRED

The passage of all ordinances for whatever purpose, and of any resolution or motion (1) to create any liability against a city or (2) for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the city council, including the mayor, unless otherwise expressly provided by this Code or any other act governing the passage of any ordinance, resolution, or motion; provided that, where the council consists of an odd number of aldermen, the vote of the majority of the aldermen shall be sufficient to pass an ordinance. The passage of an ordinance, resolution, or motion to sell any city property shall require the concurrence of three-fourths of all aldermen holding office. The yeas and nays shall be taken upon the question of the passage of the designated ordinances, resolutions, or motions and recorded in the journal of the city council.

2-7-13 ABSTENTION FROM VOTING

If a member of the city council is present at a meeting, he is obliged to vote (except if he has an interest in the matter that is before the council) and if he does not vote, his failure to do so must be construed as concurring with the majority. Silence is acquiescence rather than opposition. Refusal to vote is, in effect, a declaration that the councilman concurs with the majority, and for the purpose of creating a statutory-required vote total, the non-vote will be counted in the column of the majority of those voting.

2-7-14 COMMITTEE REPORT - DEFERMENT

Upon the request of any 2 aldermen present, any report of a committee of the council shall be deferred, for final action thereon, to the next regular meeting of the council after the report is made.

SUPERINTENDENT OF PUBLIC WORKS DEPARTMENT

2-8-1 APPOINTMENT OF SUPERINTENDENT OF PUBLIC WORKS DEPARTMENT

The Superintendent of Public Works Department shall be appointed by the mayor and with the advice and consent of the city council.

2-8-2 VACANCY - SUPERINTENDENT OF PUBLIC WORKS DEPARTMENT

A vacancy in the Office of Superintendent of Public Works Department shall be filled in the same way as the appointment of the Superintendent of Public Works Department.

2-8-3 OATH OF OFFICE

Before entering upon the duties of their respective offices, all municipal officers whether elected or appointed, shall take and subscribe (sign) the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office _____ according to the best of my ability.

Signature"

2-8-4 DUTIES

The Superintendent of Public Works Department shall be responsible for all streets, alleys and sidewalk supplies. The Superintendent shall supervise all construction improvements and maintenance of all streets, alleys and sidewalks in the city. The Superintendent shall have the care and custody of all the buildings materials of the water production and distribution systems and the sewage collection and treatment systems and shall supervise the construction, improvement and maintenance of the said systems within the corporate limits or extensions thereof. The Superintendent shall be responsible for all tools, machinery and supplies related to the Public Works Department. The Superintendent shall also cause the enforcement of all ordinances in related to streets, alleys, sidewalks, water system and sewer system of the City and shall carry out such orders as may be received from the Mayor and city council or the committee on public works.

Amended 05/04/2016

SUPERINTENDENT OF WATER DEPARTMENT

Repealed 05/04/2016

DIVISION 10

SUPERINTENDENT OF SEWER DEPARTMENT

Repealed 05/04/2016

DIVISION 11

PUBLIC LIBRARY

Repealed 8/2/10

DIVISION 12

COMMITTEES

2-12-1

STANDING COMMITTEES

The standing committees of the City Council of the City of St. Elmo, Illinois, shall be four in number, and shall be:

Committee on Finance;
Committee on Public Safety;
Committee on Public Works;
Committee on Parks/Local Improvements/Zoning.

2-12-2

COMMITTEE DUTIES

It shall be the duty of the Committee on Finance, prior to each regular meeting of the Council, to audit all bills presented against the city and to report on same at said meeting. Said report shall include recommendation for payment or non-payment of said bills, a tabulation of the total amount of said bills to be charged against each city treasurer's fund, and a statement of the balance which would remain in each fund should payments be approved by the Council as recommended. It shall be the further duty of this committee to review and make recommendations on the annual Appropriation Ordinance, fund budgets and employee salary increases and benefits.

It shall be the duty of the Committee of Public Safety to supervise the police department, the animal control officer, and the emergency services of the city.

It shall be the duty of the Committee on Public Works to supervise the water and sewer departments, to supervise construction and maintenance of streets and alleys and to supervise garbage collection in the city.

It shall be the duty of the Committee on Park/Local Improvements/Zoning to deal with all issues pertinent to the general health and safety of all residents of the City. It shall be the further duty of this committee to oversee building and zoning issues within the City and to deal with all issues pertinent to the oversight and maintenance of City-owned parks and lakes.

2-12-3

MEMBERSHIP

Said standing committee shall consist of two or more members each, one of whom shall be designated as chairman.

Nominations for chairmen and members of the committees shall be announced by the Mayor to the Council at its first regular meeting after adoption of this ordinance and thereafter at the first regular meeting of the

council in May of each year. The council may amend such nominations at said meeting and shall then by majority vote approve or disapprove the committee listing. Should the Mayor fail to announce nominations as herein provided, said nominations may be made by any council member present at the meeting.

Appointment of said committees shall be for a term ending on the last day of April following. No changes in committee membership shall be made during the regular term except by request or consent of members to be changed, or to fill vacancies caused by death or resignation of members, and such changes shall be subject to approval by a majority vote of the City Council.

Nothing in this ordinance shall be construed to remove from the City Council as a whole its final jurisdiction over any or all city departments or affairs.

City matters not included in the jurisdiction of any of the five standing committees may be referred to special committees to be appointed by the Mayor, with the consent of the council, to serve only until the next regular meeting of said council.

Amended 05/04/2016

SALARIES OF MUNICIPAL EMPLOYEES

2-13-1

AUTHORITY

The salaries of all City employees and officers will be established by the City Council.

ELECTIONS

2-14-1 RESULT - TIE

The person having the highest number of votes, for any office, is the person elected. In case of a tie vote in the election of any municipal officer, the candidate who shall hold the office shall be determined by lot, in the presence of the corporate authorities, in whatever manner the corporate authorities direct.

2-14-2 NOTICE TO PERSON ELECTED OR APPOINTED

The city clerk, within 5 days after the result of an election is declared or an appointment is made, shall notify all person elected or appointed to office, of their election or appointment. The office becomes vacant unless the person elected or appointed qualifies within 10 days after such notice.

2-14-3 SPECIAL ELECTIONS - VACANCY - NOTICE

Except as otherwise provided in this Code, whenever there is a vacancy in any elective municipal office, the corporate authorities may order a special election for the purpose of filling the vacancy. Whenever a special election is ordered for this or any other purpose under this Code, the corporate authorities shall appoint the judges, canvass the returns, and otherwise provide by ordinance for conducting the election in the manner, as nearly as may be, as that set out in the Election Code. The corporate authorities shall give notice of the offices and questions to be voted upon in the special election by publishing notices for the same length of time and in the same manner as it require in the case of a general municipal election.

2-14-4 SPECIAL ELECTIONS - CALLING

If there is a vacancy in an elective office, and if, for any reason there is not a quorum in office of the corporate authorities, a special election to fill the vacancy may be called by the following officers in this order of preference: (1) the Mayor, (2) the City Clerk, (3) any Alderman. The officer calling this special election shall also appoint the time and place, give notice thereof and appoint the judges of the election. In all other respects, the special election shall, as nearly as may be, be conducted in the same manner as a general municipal election.

2-14-5 SPECIAL ELECTIONS - CALLING BY COURT

If none of the officers authorized by Section 2-13-4 to call a special election, the circuit court may upon petition signed by at least 10% of the legal voters of the City, whichever is less, call a special election to fill all vacancies in the elective offices of the city. The court shall also appoint the time and place of the election, provide for giving notice thereof, and

appoint the judges of election. The court may designate some person to perform the functions of the City Clerk in connection with such special election. In all other respects, the special election shall, as nearly as may be, be conducted in the same manner as a general city election.

2-14-6

COUNCIL AS JUDGE OF ELECTION OF ITS MEMBERS

If none of the officers authorized by Section 2-13-4 to call a special election, the circuit court may, upon petition signed by at least 100 legal voters or 10% of the legal voters of the city, whichever is less, call a special election to fill all vacancies in the elective offices of the city. The court shall also appoint the time and place of the election, provide for giving notice thereof, and appoint the judges of election. The court may designate some person to perform the functions of the city clerk in connection with such special election. In all other respects, the special election shall, as nearly as may be, be conducted in the same manner as a general city election.

2-14-7

COUNCIL AS JUDGE OF ELECTION OF THE MEMBERS

The city council shall be the sole judge of the election to office of the Aldermen. It shall also be the sole judge whether under Section 2-7-5 Aldermen are eligible to their offices. However, a court shall not be prohibited from hearing and determining a proceeding in quo warranto.

CHIEF OF POLICE

- 2-15-1 APPOINTMENT OF CHIEF OF POLICE
The Chief of Police shall be appointed by the mayor by and with the advice and consent of the City Council.
- 2-15-2 VACANCY - CHIEF OF POLICE
A vacancy in the Office of the Chief of Police shall be filled by the Mayor with the advice and consent of the Board of City Council. The person so appointed shall hold office for the remainder of the Mayor's unexpired term of the office.
- 2-15-3 TERM OF OFFICE
Unless otherwise expressly provided for in this code, the term of office of the Chief of Police shall not exceed that of the Mayor.
- 2-15-4 OATH OF OFFICE
Before entering upon the duties of their respective offices, all municipal officers whether elected or appointed, shall take and subscribe (sign) the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office _____ according to the best of my ability.

Signature
- 2-15-5 DUTIES
The Chief of Police shall have the care and custody of any and all equipment, vehicles, and supplies belonging to the Police Department and he shall be responsible for the same.
He shall be in charge of any and all evidence placed into the custody of the Police Department.
He shall be responsible for continued training of all officers of the St. Elmo Police Department.
He shall also cause the enforcement of all ordinances in relation to the City of St. Elmo.
He shall also cause the enforcement of all laws in relation to the State of Illinois.
He shall carry into effect all such orders as he shall receive from the Mayor and City Council or Committees on the Safety Board. Amended 10/5/2022